

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**THEODORE (TED) DAUVEN and  
CHRISTINA DAUVEN,**

No. 3:18-cv-01637-AC

Plaintiffs,

OPINION AND ORDER

v.

**U.S. BANCORP,**

Defendant.

**MOSMAN, J.,**

On April 11, 2019, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [16], recommending that I GRANT Defendant's Motion to Dismiss [8]. Neither party objected.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### **CONCLUSION**

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [16] in full. Defendant's Motion to Dismiss [8] is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 13 day of June, 2019.



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MICHAEL W. MOSMAN  
Chief United States District Judge